
ORDINANCE NO. 2008-02

**AN ORDINANCE TO REGULATE WATER TRAFFIC, BOATING
AND WATER SPORTS UPON THE WATERS OF LAUDERDALE
LAKES, WALWORTH COUNTY, WISCONSIN**

The Town Boards of LaGrange and Sugar Creek ordain as follows:

SECTION I. REPEAL OF CONFLICTING ORDINANCES

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this ordinance and all ordinances and parts of ordinances in conflict with this ordinance heretofore enacted by the Towns of LaGrange and Sugar Creek, Walworth County, Wisconsin, are hereby repealed.

SECTION II. APPLICABILITY

A. This ordinance shall apply to the waters of Lauderdale Lakes, the Town of LaGrange and the Town of Sugar Creek, unless otherwise specified. (March 1983)

B. Drivers or operators of all boats by means of which aquaplanes, water ski or similar objects are being towed, and the riders of such aquaplanes, water skis or similar objects, must conform to the same rules and clearances as provided for in this ordinance.

SECTION III. DEFINITIONS

A. The definitions set forth in Section 30.01 and 30.50, Wisconsin Statutes, as amended from time to time, are adopted by reference.

B. "Swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.

C. "Slow-no-wake" is defined as the slowest possible speed so as to maintain steerage.

SECTION IV. STATE LAWS ADOPTED

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein as amended, repealed or recreated by the State of Wisconsin from time to time. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this ordinance.

30.16 Removal of Obstructions to Navigation

30.501 Capacity Plate on Boat

30.51 Operation of Unnumbered Boats Prohibited

30.52 Certificate of Number

30.53 Identification Number to be Displayed on Boat; Certificate to be Carried

30.54 (2) Transfer of Ownership of Numbered Boat

30.55 Notice of Abandonment or Destruction of Boat or Change of Address

30.60 Classification of Motor Boats

30.61 Lighting Equipment

30.62 Other Equipment

30.63 (2) Use of Certain Outboard Motors Restricted and Draining Fuel into Lake Prohibited (March 1983)

30.64 Patrol Boats (March 1983)

30.65 Traffic Rules

30.66 Speed Restrictions

30.67 Accidents and Accident Reports

30.675 Distress Signal Flag

30.68 Prohibited Operations

30.69 Water Skiing

30.70 Skin Diving

30.71 Boats Equipped with Toilets

30.99 Parties to a Violation (March 1983)

287.81 Littering

SECTION V. AIRCRAFT LANDING ON LAKES

It is hereby prohibited for any aircraft to land upon the surface of Lauderdale Lakes within the corporate limits of the Towns of LaGrange or Sugar Creek, Walworth County, Wisconsin, except in case of emergency.

SECTION VI. ADDITIONAL TRAFFIC RULES

In addition to the provisions of the Wisconsin Statutes adopted in this ordinance, the following rules shall apply to boats or persons using the waters covered by this ordinance. (May 1989)

A. **Mooring Lights Required.** No person shall moor or anchor any boat, raft, buoy or other floating object, or permit the same to drift in the traffic lane described in this ordinance between sunset and sunrise unless there is prominently displayed thereon a bright white light of sufficient intensity and placed so as to be visible from any direction (360 degrees) for a distance of two (2) miles on a dark night with clear atmosphere. (March 1983)

B. **Lights Required for Row Boats and Sailboats Without Motors.** No person shall operate any boat propelled by muscular power or any sailboat not equipped with a motor in the traffic lane described in Section VII of this ordinance, between the hours of sunset and sunrise, unless there is prominently displayed thereon, a bright white light of sufficient intensity and placed so as to be visible from any direction (360 degrees) for a distance of two (2) miles on a dark night with clear atmosphere. (March 1983)

C. **Use of Spot Lamps Restricted.** No person aboard a boat, other than a law enforcement officer or a person in need of assistance to prevent bodily injury or destruction of

property shall direct the beam of any spot lamp or any similar device so as to project any glaring light into the eyes of another boat operator. (March 1983)

D. No person shall operate any boat, when there are any persons or objects so situated as to obstruct the view of the operator to the front or to the side, or as to interfere with the operator's control of the operating mechanisms of the boat. Spot lamps and horns placed on the foredeck of any boat and signal lamps or speakers of authorized patrol boats shall not be considered a violation of this section. (March 1983)

E. No person shall take or operate any boat without the consent of the owner. (March 1983)

F. All boating traffic shall be in a counter clockwise direction entering from the West in the narrow channel formed on the North by Don-Jean Bog and on South shoreline properties LL307 through LL311 only on weekends and Holidays, Memorial Day through Labor Day.

SECTION VII. ORGANIZED EVENTS AND DISPLAYS

- A. No person or persons shall organize or participate in any event or play upon the surface of Lauderdale Lakes without first obtaining a permit for such activity from the Town Board of the Town of LaGrange, Walworth County Wisconsin.
- B. Request for said permit for organized events or displays shall be sent to the Town Board in triplicate before the first Monday of the month preceding the event.
- C. Request for said permit shall describe the event, time of the event, and define what part of the lake to be used.
- D. Upon action by the Town Board of the Town of LaGrange, one copy of the permit shall be returned to the applicant, one copy to the Water Safety Patrol, and one copy to be retained by the Town Clerk.

SECTION VIII. SWIMMING REGULATIONS

A. **Swimming from Boats Regulated.** No person shall swim from any boat unless such boat is anchored.

B. **Distance from Shore or Base.** No person shall swim more than ONE HUNDRED (100) FEET from shore or from the end of any pier or more than FIFTY (50) FEET from any anchored raft or boat unless he or she is accompanied by a boat manned by a competent person having immediately available a U.S. Coast Guard approved Type IV personal flotation device for each swimmer being escorted in addition to those required to be on board under applicable regulations. Such boat shall stay reasonably close to and guard such swimmer or swimmers. A person manning such an escort boat shall be considered competent if he can, in fact, observe the swimmer or swimmers, throw the flotation device to them should the need arise, and is otherwise qualified to operate the escort boat under applicable regulations. (March 1983)

C. **Hours Limited.** No person may swim more than 100 feet from shore, or the projecting extremities, of piers or wharfs from sunset to sunrise.

SECTION IX. WATER SKIING

In addition to the provisions of the Wisconsin statutes adopted in this ordinance, the following regulations apply to boats and persons using the waters covered by this ordinance:

A. **Careful and Prudent Operation.** A person operating a boat having in tow a person on water skis, aquaplane or similar device and the users of such water skis, aquaplane or similar devices shall operate such boat or use such device in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person, and shall conform to all applicable rules and clearances as provided for in this ordinance.

B. Hours Limited. For water-skiing, aquaplaning or similar activity requiring the use of a towing boat are allowed from sunrise to sunset, except on Saturdays and Sundays and Holidays when such activities may not commence until 9 a.m.

C. Area Limited. No person shall engage in water-skiing, aquaplaning or similar activity outside the traffic lane described in Section VII of this ordinance.

D. Observer required. No person shall operate a boat having in tow a person on water skis, aquaplane or similar device unless there is in the boat a competent person, in addition to the operator, in a position to observe the progress of the person being towed. An observer shall be considered competent if the observer can, in fact, observe the person being towed and relay any signals to the operator. This observer requirement does not apply to Class A motorboats actually operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

E. Number of Skiers Limited. No more than two (2) persons shall use towlines as a means of water skiing, aquaplaning or similar activity behind a boat.

F. Flotation Required.

1. All persons engaged in water skiing, aquaplaning or similar activity shall wear U.S. Coast Guard approved Type I, II or III Personal Flotation Devices. However, persons engaged in trick skiing may elect to wear a non-Coast Guard approved personal flotation device, other than a so-called "ski-belt." A trick skier shall be identified by skiing positions which readily differentiate the skier from the ordinary "front-forward" skier, and also by the following:

- (a) Skis: Short, wide or swivel skis, wakeboards and similar devices;
- and
- (b) Towrope: Less than 75 feet.

2. Persons engaged in barefoot skiing may elect to wear a non-Coast Guard approved barefoot wet suit designed specifically for the activity.

3. Whenever a water skier elects to wear a non-Coast Guard approved device pursuant to these regulations, there shall be a Coast Guard approved device carried in the boat for the use of such skier.

G. Restrictions. No person operating a boat having in tow a person on water skis, tube, aquaplane or similar device, nor the users of such water-skis, aquaplanes, tubes or similar devices, shall engage in such activity within one hundred (100) feet of any occupied anchored boat or marked swimming area or public boat landing.

H. Exceptions. Duly authorized water ski tournaments, competitions, exhibitions or trials therefore, for which a permit has been given by the Town of LaGrange pursuant to this ordinance, shall be exempt from the following provisions of this Section:

Paragraph (b) (Hours limited) where adequate lighting is provided and at designated times and places for which notice was given.

Paragraph (c) (Area limited) at designated times and places for which notice was given.

Paragraph (e) (Numbers of skiers limited) at designated times and places for which notice was given.

Paragraph (f) (Flotation required) where pick-up boats are provided and at designated times and places for which notice was given.

SECTION X. SPEED RESTRICTIONS

A. Shore Zone.

1. Except under §30.69(3) relating to water skiing, no person may operate a motorboat within 100 feet of the shoreline or any dock, raft, pier or buoyed restricted area at a speed in excess of slow-no-wake.

2. Except under §30.69(3)(a), (c), or (d) relating to water skiing, no person may operate a personal watercraft within 200 feet of the shoreline at a speed in excess of slow-no-wake.
 - B. Except for Law enforcement and/or rescue vessels, and except when or where such speed would otherwise be prohibited by law or is otherwise regulated by this ordinance, all persons must operate a motorboat at the minimum speed to maintain control of the boat but in no case shall the speed exceed ten miles per hour (10 MPH) from sunset to sunrise on weekdays and 9 a.m. on Saturdays, Sundays and Holidays.
 - C. Except for law enforcement and/or rescue vessels no person shall operate a boat on the Lauderdale Lakes on Holidays and weekends from Memorial Day through Labor Day at a speed in excess of fifty miles per hour (50 MPH) from sunrise to sunset.

SECTION XI. MARKERS, NAVIGATION AIDS AND POSTING

A. The designee of the LaGrange Town Board is authorized and directed to place and maintain authorized markers, navigation aids and signs as shall be appropriate to advise the public of the provisions of this ordinance and to post and maintain a copy of this ordinance at all public access points within the jurisdiction of the Towns of LaGrange and Sugar Creek, Walworth County, Wisconsin.

B. Standard Markers. No person shall place or maintain any marker upon waters of the lake except the designee of the Town Board of LaGrange.

C. Interference with Markers Prohibited. No person shall without authority remove, damage, destroy, moor or attach any watercraft to any buoy, beacon or marker placed in the waters by authority of the United States.

D. Race course markers, water ski course markers, water ski jumps, and similar devices may be temporarily placed in the traffic lane during the hours between sunrise and sunset

when authorized by the Town Board of the Town of LaGrange upon application to the LaGrange Town Clerk.

SECTION XII. REGULATION OF ICEBOUND WATERS

A. Permit.

1. No person shall remove ice or cause its removal from Lauderdale Lakes without first obtaining a permit from the Town Board of LaGrange or Sugar Creek, depending upon the location of the proposed ice removal.
(April 1983)
2. The application for permit shall be made in writing and filed in the office of the Clerk of the Town of LaGrange or Sugar Creek. The application shall describe the area from which the ice will be removed together with any additional details that the Town Board might require. It shall also state the name, residence and post office, and telephone number of the applicant.

B. Ice Holes.

1. Any person or persons who shall remove ice or cause its removal from Lauderdale Lakes shall place around the margin of the opening made by such removal, a fence, by setting posts of not less than two (2) by four (4) inches in size with a fence board thoroughly nailed thereto not less than 3½ feet above the surface of the ice on said lakes.
2. Any person or persons creating ice holes by aeration of water may, in lieu of the requirements of sub (1), erect and maintain a barricade around such holes consisting of uprights spaced every twenty-five (25) feet or less, connected by a continuous rope, cord or similar material placed 3½ feet

off the surface of the ice. The connecting rope, cord or similar material shall have reflectorized ribbon or tape attached to it, so as to be highly visible, and shall be of sufficient strength to permit retrieval of the barricade following melting of ice. Any person or persons erecting such barricade shall remove the barricade and all parts thereof from the ice or water immediately after the ice has melted.

3. Removal of ice shall not interfere with the rights of the public to lawfully use the icebound waters of Lauderdale Lakes. Removal of ice for a distance of more than ten (10) feet beyond any existing pier is prohibited.
4. Each day during which an opening exists in violation of this ordinance is a separate offense.
5. Removal of ice shall not interfere with the rights of neighboring riparian proprietors. Removal of ice along the shoreline of neighboring riparian properties, except by permission of the owner or owners, is hereby declared to be a public nuisance and the maintenance of such ice holes may be abated by action at the suit of the Town. (April 1983)

C. This section shall not apply to ice fishermen as long as the hole or removal of ice does not leave a hole in the ice greater than twelve (12) inches at its greatest dimension.

SECTION XII. ENFORCEMENT, POWERS, PENALTIES AND DEPOSITS

A. This ordinance shall be enforced by the officers of the Water Safety Patrol, which shall be operated under the jurisdiction of the Town of LaGrange, Walworth County, Wisconsin and the Lauderdale Lakes Lake Management District. Every Water Safety Patrol officer appointed shall be a qualified law enforcement officer or in training for such. To the extent that the Water Safety Patrol operates within the Towns of LaGrange and Sugar Creek on Lauderdale

Lakes, the authority of said officers shall be limited to the waters of Pleasant Lake and the Lauderdale Lakes, unless said officers, in the enforcement of their duties are, by other law, permitted to pursue such duties off the water, including other properties owned by the Town of LaGrange such as the boat launch ramps and the Town park on Pleasant Lake.

B. The members of the Water Safety Patrol shall have supervision over the waters of Lauderdale Lakes and Pleasant Lake and may stop and board any boat for the purpose of enforcing any provisions of this ordinance and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation, is about to be a violation, or has been a violation of such ordinances, or the stopping and boarding of any boat is essential to conduct a search and rescue operation. Said officers may arrest any person found on the waters of Lauderdale Lakes, or within the Towns of LaGrange or Sugar Creek, violating such ordinance, whether at the time of arrest the person is on the waterways or upon land, except as above set forth with respect to the Township of Sugar Creek. Such persons will be delivered to the Circuit Court of Walworth County and the arresting officer shall make and execute a complaint charging such person with the offense committed unless otherwise provided by law. Provisions relating to citations, arrests, questioning, releases, searches, deposits and stipulations of no contests in the Wisconsin Statutes, as they are amended or repealed and recreated from time to time hereafter, shall apply to all civil forfeiture violations. Provisions relating to complaints, arrests, questioning and releases and searches under Sections 968.01 to 968.256 as they may be from time to time hereafter amended, shall apply to all criminal violations, unless otherwise provided by law.

C. All actions to recover forfeitures and penalty assessments under this ordinance are civil actions in the name of the Town of LaGrange, shall be heard in Circuit Court of Walworth

County, and shall be recovered under the procedure set forth in the Wisconsin Statutes. (March 1983)

- D. (1) Wisconsin state boating penalties as found in Section 30.80, Wis. Stats., as amended from time to time, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are adopted by reference for all violations for which there is a statutory counterpart.
- (2) Any person who unlawfully obstructs navigation under this ordinance shall forfeit not more than Fifty Dollars (\$50.00) for each offense. Each day the obstruction exists is a separate offense.
- (3) The forfeitures and bail schedule for offenses in this ordinance for which no statutory counterpart exists are all assessments imposed by statute, court costs and fees, and as follows:

Offense	Forfeiture		Bail
	Minimum	Maximum	
a. Aircraft Landing on Lakes, Sec. V.	\$ 500	\$2000	\$ 750
b. Mooring Lights Required, Sec. VI.A.	\$50 \$ 100	\$250	\$ 50
c. Lights for Row Boats and Sailboats, Sec.VI.B.	\$50 \$ 100	\$250	\$ 50
d. Use of Spot Lamps Restricted, Sec. VI.C.	\$50 \$ 100	\$250	\$ 50
e. Operator View Restricted, Sec. VI.D.	\$50 \$ 100	\$250	\$ 50
f. Excess Number of Skiers, Sec. IX.E.	\$50 \$ 100	\$250	\$ 50
g. Unauthorized Marker Placement, Sec. X.B.	\$50 \$ 100	\$250	\$ 50
h. Ice Violation, Sec. XI.	\$50 \$ 100	\$250	\$ 50
i. Events and Displays Without Notice, Sec. VI.F.	\$100 \$ 500	\$2000	\$ 250
j. Water-skier Flotation Violation, Sec. IX.F.	\$100 \$ 100	\$250	\$ 50
k. Interference With Markers, Sec. X.C.	\$100 \$ 100	\$250	\$ 50
l. Careful and Prudent Operation, Sec. IX.A.	\$100 \$100	\$250	\$100
m. Speed in Traffic Lane, Sec. VII.A.	\$ 50 \$500	\$2000	\$250
n. Speed Excess of 10 MPH, Sec. VII.D.	\$ 50 \$500	\$2000	\$250
o. Swimming From Unanchored Boat, Sec. VIII.A.	\$ 50 \$100	\$250	\$ 50

- p. Swimming in Restricted Areas or at Restricted Times, Sec. VIII.B. and C. \$ 50 \$100 \$250 \$ 50
- q. Speed Excess Slow-No-Wake, Sec. VII.C. \$ 50 \$500 \$2000 \$250
- r. Speed in Shore Zone, Sec. VII.B. \$ 50 \$500 \$2000 \$250
- s. Operation Without Consent, Sec. VI.E. \$100 \$1000 \$2500 \$250
- t. The above forfeitures and bail amounts shall be double for a second or third subsequent offense within a three (3) year period.

(4) Any person violating any provisions of this ordinance for which a penalty is not set forth above shall, upon conviction thereof, forfeit not more than \$2,000, nor less than \$50 for each violation, together with penalty assessments and the costs of prosecution and in default of payment of such forfeiture, assessments and costs of prosecution shall be imprisoned in the County Jail until full payment is made, but not exceeding sixty (60) days. (April 1990)

SECTION XIV. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Boards would have passed the other provisions of this ordinance irrespective as to whether or not one or more provisions may be declared invalid and any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions other persons or circumstances shall not be affected thereby.

SECTION XV. EFFECTIVE DATE AND CLERK'S DUTY

A. This ordinance shall take effect and be in force from and after its passage and publication as provided by law, and after review by the Department of Natural Resources.

B. The LaGrange Clerk is directed to file a signed copy of this ordinance with the Department of Natural Resources in Madison, Wisconsin.

Enacted by the Town Board of LaGrange this 14th day of April, 2008.

Approved:

Frank Taylor
Frank Taylor, Town Chairman

F. Mark Bromley
F. Mark Bromley, Supervisor

Don Sukala
Don Sukala, Supervisor

Richard Callaway
Richard Callaway, Supervisor

Jeff Schramm
Jeff Schramm, Supervisor

ATTEST:

Crystal L. Hoffmann
Crystal L. Hoffmann, Town Clerk, LaGrange

Enacted by the Town Board of Sugar Creek this ___ day of May, 2008

Approved:

Day Wallen

Charles Papcke

[Signature]

ATTEST:

Diane Boyd
Diane Boyd, Town Clerk, Sugar Creek